THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.3757 OF 2006

DATE: 04th July 2006

Between:

1. Tallapelly Ijjigiri Goud, son of
   Rajaiah Goud, aged 45 years,
   Occ:Agriculture and 11 others.

.... Petitioners.

And

1. Mandal Revenue Officer,
   Ghanpur Mandal, Warangal
   District and another.

.... Respondents.

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ORDER:

This writ petition is filed seeking writ of Mandamus declaring action of the respondents in interfering with the petitioners drawing water from the Morancha Vagu through electric motors to their paddy fields, as highly arbitrary and illegal.

2. It is the case of the petitioners that they are residents of Baswarajpally village, Ghanpur (Mulug) Mandal, Warangal District, and all of them are farmers. They have patta lands in survey Nos.279/2, 281, 282, 283/A, 283/B, 284/A, 285/1, 286/6 etc., situated at Chelpur shivar, Ghanpur (M) Mandal. They have been cultivating their lands by raising paddy crops since 1971 to an extent of 400 acres in various survey numbers. Their lands were treated as wetlands as they have been drawing water for two

seasons i.e., “Aabi-Tabi” from Morancha Vagu through electric motors for raising paddy crop. The petitioners obtained service connections to their electric motors and using the same right from 1971 for the purpose of drawing water from Morancha Vagu. Further, first respondent has been collecting land revenue treating the lands of the petitioners as wetlands since 1971 onwards. Therefore, the petitioners are entitled to draw water from Morancha Vagu and nobody can interfere with petitioners drawing water from the Morancha Vagu through electric motor.

3. A detailed counter-affidavit has been filed by the implead party petitioner stating that the petitioners have no authority under law to draw water from the Morancha Vagu and the Morancha Vagu is under operational area of the water management committee.

4. Learned counsel for the petitioners states that the water users association, represented by its Chairman Boinpally Hanumantha Rao is concerned with Morancha Mattu but not Morancha Vagu.

5. Whereas, learned Government Pleader appearing for official respondents states that drawing of water by electric motor from Morancha Vagu is illegal and not permissible under law and there is no necessity of giving notice to the petitioners even if they are drawing water since 1971.

6. Be that as it may, as of now no authority has issued any proceedings asking the petitioners to stop drawing water from the

Morancha Vagu. Therefore, the writ petition can be disposed of by directing the respondents and the official respondents and Morancha Mattu Water Users Association, to take appropriate action as per law by putting the petitioners on notice by way of issuing show cause notice and pass appropriate orders as per law in this regard. Till a decision is taken as per law by the official respondents as well as the Water Users Association if any, they shall not interfere with drawing of water from Morancha Vagu by the petitioners as was being done earlier.

7. With the above direction, the writ petition is disposed of. No costs.

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C.V.RAMULU, J.

Date: 04th July 2006.
BSB